In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.3312 of 2005.

Date of decision:3.5.2007.

Rajwant Singh.

...Petitioner.

Versus

Kartar Singh.

...Respondent.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr.Vikas Bahl Advocate for the petitioner.

Mr.Arun Jain Advocate for the respondents.

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Judgment.

S. N. Aggarwal, J.

Kartar Singh respondent had filed an ejectment petition under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (in short Rent Act of 1949) for the ejectment of the petitioner from the shop in dispute on the ground of personal necessity. The petitioner applied for permission to contest the ejectment petition which has been declined by the learned Rent Controller, Nawanshahar vide impugned order dated 4.6.2005.

Hence the petition.

Submits that the respondent owns three shops including the shop in dispute and he has filed three separate ejectment petitions against three separate tenants relating to three separate shops. If he succeeds to get vacated the other shops, he would not require the shop in dispute for personal necessity. Hence, there was a valid ground for permission to contest the ejectment petition.

The learned counsel for the respondent,on the other hand, submits that no doubt he owns three shops and he has filed ejectment petitions for all the three shops but all these shops constitute one building and NRI landlord can get vacated one building for his personal necessity. Further submits that the matter has already been concluded by this Court in the judgment reported as **M/s.Bhandari General Store and another Versus Makhan Singh Grewal,** 2006(1) Rent Control Reporter 306.

Submissions have been considered.

It is a contentious issue whether the landlord-respondent has the personal necessity for the shop in dispute when the respondent-landlord has already filed ejectment petitions against two other different tenants for two other different shops.

Therefore, the impugned order is set aside and permission is granted to the respondent to contest the ejectment petition.

The parties would appear before the learned Rent

Controller on 24.5.2007. The petitioner would file written statement within two weeks from the date of appearance.

The learned counsel for the respondent submits that the respondent-landlord would produce the evidence without delay. After the respondent-landlord closes the evidence, the learned trial Court shall dispose of the ejectment petition expeditiously preferably within a period of six months thereafter.

This Civil Revision is disposed of in the manner indicated above.

May 3,2007. (S. N. Aggarwal)
Jaggi Judge